

§ 52.933 Control Strategy: Sulfur oxides and particulate matter.

(a) In a letter dated March 27, 1987, the Kentucky Department for Natural Resources and Environmental Protection certified that no emission limits in the State's plan are based on dispersion techniques not permitted by EPA's stack height rules. This certification does not apply to: Big Rivers-Green #1 & 2, Kentucky Utilities-Ghent #3 & 4, and Ashland Oil, Inc.-Catlettsburg.

(b) *Determination of Attainment.* EPA has determined, as of March 9, 2011, that the Louisville, IN-KY PM_{2.5} non-attainment area has attained the 1997 PM_{2.5} NAAQS. These determinations, in accordance with 40 CFR 51.1004(c), suspend the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, reasonable further progress, contingency measures, and other plan elements related to attainment of the standards for as long as the area continues to meet the 1997 PM_{2.5} NAAQS.

(c) *Disapproval.* EPA is disapproving portions of Kentucky's Infrastructure SIP for the 2006 24-hour PM_{2.5} NAAQS addressing interstate transport, specifically with respect to section 110(a)(2)(D)(i)(I).

(d) *Determination of Attainment.* EPA has determined, as of September 7, 2011, that based upon 2007–2009 air quality data, the Huntington-Ashland, West Virginia-Kentucky-Ohio, non-attainment Area has attained the 1997 annual PM_{2.5} NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this Area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this Area continues to meet the 1997 annual PM_{2.5} NAAQS.

(e) *Determination of Attainment.* EPA has determined, as of September 29, 2011, that based upon 2007–2009 air quality data, the Cincinnati-Hamilton, Ohio-Kentucky-Indiana nonattainment Area has attained the 1997 annual PM_{2.5} NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this Area to sub-

mit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this Area continues to meet the 1997 annual PM_{2.5} NAAQS.

[54 FR 23478, June 1, 1989, as amended at 76 FR 12862, Mar. 9, 2011; 76 FR 43143, July 20, 2011; 76 FR 55543, Sept. 7, 2011; 76 FR 60376, Sept. 29, 2011]

§ 52.934 VOC rule deficiency correction.

(a) Sections 1.02, 1.08, 6.12, 6.13, 6.16, 6.18, 6.19, 6.23, 6.29, 6.30, 6.31, 6.32, 6.33, 6.34, 6.35, 7.11, 7.12, 7.16, 7.18, 7.19, 7.23, 7.52, 7.56, 7.57, 7.58, 7.59, 7.60 and 7.61 of the Jefferson County portion of the Commonwealth of Kentucky SIP are being approved. The Commonwealth submitted these regulations to EPA for approval on February 12, 1992. These sections were intended to correct deficiencies cited in a letter calling for the Commonwealth to revise its SIP for ozone from Greer C. Tidwell, the EPA Regional Administrator, to Governor Wallace G. Wilkinson on May 26, 1988, and clarified in a letter from Winston A. Smith, Air, Pesticides & Toxics Management Division Director, to William C. Eddins, Director of the Commonwealth of Kentucky Division for Air Quality.

(b) Sections 1.05, 1.06, 6.17, 6.36, 6.37, and 6.40 of the Jefferson County portion of the Commonwealth of Kentucky SIP are being approved. The Commonwealth submitted these regulations to EPA for approval on March 4, 1993. These sections were intended to correct deficiencies cited in a letter calling for the Commonwealth to revise its SIP for ozone from Greer C. Tidwell, the EPA Regional Administrator, to Governor Wallace G. Wilkinson on May 26, 1988, and clarified in a letter from Winston A. Smith, Air, Pesticides & Toxics Management Division Director, to William C. Eddins, Director of the Commonwealth of Kentucky Division for Air Quality.

(c) Deficiencies in 1.12 Emissions Trading, however, have not been corrected. The above deficiencies must be corrected according to the letters mentioned above, the proposed post-1987

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ozone policy (52 FR 45044), and other EPA guideline relating to the deficiencies before the SIP for ozone can be fully approved.

[59 FR 32352, June 23, 1994]

§ 52.935 PM₁₀ State implementation plan development in group II areas.

On July 7, 1988, the State submitted a committal SIP for the cities of Ashland and Catlettsburg in Boyd County. The committal SIP contains all the requirements identified in the July 1, 1987, promulgation of the SIP requirements for PM₁₀ at 52 FR 24681. The SIP commits the State to submit an emissions inventory, continue to monitor for PM₁₀, report data and to submit a full SIP if a violation of the PM₁₀ National Ambient Air Quality Standards is detected.

[55 FR 4172, Feb. 7, 1990]

§ 52.936 Visibility protection.

(a) *Regional Haze.* The requirements of section 169A of the Clean Air Act are not met because the regional haze plan submitted by Kentucky on June 25, 2008, and amended on May 28, 2010, does not include fully approvable measures for meeting the requirements of 40 CFR 51.308(d)(3) and 51.308(e) with respect to emissions of NO_x and SO₂ from electric generating units. EPA has given limited approval and limited disapproval to the plan provisions addressing these requirements.

(b) *Measures Addressing Limited Disapproval Associated with NO_x.* The deficiencies associated with NO_x identified in EPA's limited disapproval of the regional haze plan submitted by Kentucky on June 25, 2008, and amended on May 28, 2010, are satisfied by § 52.940.

(c) *Measures Addressing Limited Disapproval Associated with SO₂.* The deficiencies associated with SO₂ identified in EPA's limited disapproval of the regional haze plan submitted by Kentucky on June 25, 2008, and amended on May 28, 2010, are satisfied by § 52.941.

[77 FR 33657, June 7, 2012]

§ 52.937 Review of new sources and modifications.

(a) Approval—EPA is approving the section 182(f) oxides of nitrogen (NO_x) reasonably available control tech-

nology (RACT) exemption request submitted by the Kentucky Department for Environmental Protection on August 16, 1994, for the Kentucky portion of the Huntington-Ashland ozone (O₃) moderate nonattainment area. This approval exempts this area from implementing NO_x RACT on major sources of NO_x. If a violation of the O₃ NAAQS occurs in the area, the exemption from the requirement of section 182(f) of the CAA in the applicable area shall not apply.

(b) Approval—EPA is approving the section 182(f) oxides of nitrogen (NO_x) reasonably available control technology (RACT) exemption for the Kentucky portion of the Cincinnati-Hamilton ozone (O₃) moderate nonattainment area. This approval exempts this area from implementing NO_x RACT on major sources of NO_x.

[60 FR 21717, May 3, 1995, as amended at 65 FR 37898, June 19, 2000]

§ 52.938 General conformity.

The General Conformity regulations were submitted on November 10, 1995, and adopted into the Kentucky State Implementation Plan (SIP). The Commonwealth of Kentucky incorporated by reference regulations 40 CFR part 51, subpart W—determining conformity of General Federal Actions to State or Federal Implementation Plans.

[63 FR 40046, July 27, 1998]

§ 52.939 Original identification of plan section.

(a) This section identifies the original "Air Implementation Plan for the Commonwealth Kentucky" and all revisions submitted by Kentucky that were federally approved prior to March 1, 1999.

(b) The plan was officially submitted on February 8, 1972, and was resubmitted on December 5, 1973.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Clarifying comments on the plan submitted on March 6, 1972, by the Kentucky Air Pollution Control Office.

(2) Chapters IV and V, Control Strategies, and Chapter VII, Emission Control Regulations, submitted on March 17, 1972, by the Kentucky Air Pollution Control Office.